

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

JASON RICHER,	:	
Plaintiff	:	
	:	
v.	:	C.A. No. 15-162-L-PAS
JASON PARMELEE as the Finance Director of	:	
THE TOWN OF NORTH SMITHFIELD,	:	
TOWN OF NORTH SMITHFIELD, and	:	
STEVEN E. REYNOLDS in his official	:	
capacity as Chief of the NORTH SMITHFIELD	:	
POLICE DEPARTMENT	:	
Defendants	:	

**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

**INTRODUCTION**

Pursuant to Federal Rule of Civil Procedure 56(d), Plaintiff moves for summary judgment on liability against Defendants Town of North Smithfield and Steven E. Reynolds in his official capacity as Chief of the North Smithfield Police Department. Plaintiff alleges Defendants' initial seizure of his three guns was unconstitutional because it violated his rights as a gun owner under the Rhode Island Firearms Act and the United States and Rhode Island Constitutions, and because the seizure occurred without first giving Plaintiff proper notice and a meaningful opportunity to be heard as required by the Second and Fourteenth Amendments to the United States Constitution and Article 1, Sections 2 and 22 of the Rhode Island Constitution. Further, Defendants failed to provide Plaintiff with any post-deprivation hearing. Plaintiff challenges Defendants' apparently unwritten policy of requiring all gun owners whose guns have been seized, regardless of the circumstances, to obtain an order in state district court mandating the return of the guns before Defendants will return the guns.

Plaintiff relies upon his Amended Verified Complaint and the accompanying memorandum in support of this motion.

Plaintiff requests oral argument pursuant to LR 7(e).

/s/ Thomas W. Lyons

Thomas W. Lyons #2946  
Rhiannon S. Huffman, Esq. #8642  
RHODE ISLAND AFFILIATE,  
AMERICAN CIVIL LIBERTIES UNION  
Strauss, Factor, Laing & Lyons  
One Davol Square, Suite 305  
Providence, RI 02903  
(401) 456-0700

Date: July 3, 2015

**CERTIFICATION**

I hereby certify that on July 3, 2015, a copy of the foregoing was filed and served electronically on all registered CM/ECF users through the Court's electronic filing system and served by email on David Igliozi, Esq., solicitor for the Town of North Smithfield. Parties may access this filing through the Court's CM/ECF system.

/s/ Thomas W. Lyons

S:\TWL\ACLU\Richer\Drafts\Richer MPSJ.docx